IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPLICATION NO.24 OF 2001

The Commissioner of Income Tax ..Applicant

Vs.

M/s.Raymond Woollen Mills Pvt.Ltd. ..Respondent

Mr.Ashok Kotangale, A.G.P. for the Applicant
Mr.P.T.Pardiwalla with B.Das i/b. Gagrats for
the Respondent.

CORAM :- DR.S.RADHAKRISHNAN &
V.C.DAGA, JJ.

DATE : 16TH APRIL, 2007

P.C.

1. Heard the learned Counsel for the parties. In the present matter, the following substantial question of law is sought to be raised:

> "Whether on the facts and in the circumstances of the case and in law, the Income Tax Appellate Tribunal was right in holding that the performance reward of Rs.57.02 lacs paid to an employee of the company for Assessment Year 1980-81 and Assessment Year 1981-82 in this year is covered under the provision of Section 36(1)(ii) 1st proviso of the Act?"

2. The above question of law is squarely covered by our High Court in the case of **Commissioner of Income Tax Vs. M/s.Tata Iron & Steel Bombay House** in **Income Tax Reference No.95 of 1988** in favour of the Assessee and against the Revenue.

3. By consent, the above Application is treated as statement of the case and the above question is answered in favour of the Assessee and against the Revenue. The Application stands disposed of accordingly.

(V.C.DAGA,J.) **(DR.S.RADHAKRISHNAN,J.)**